



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/937,313
Filing Date	9/24/01
First Named Inventor	BERNDL et al.
Art Unit	1615
Examiner Name	Young
Attorney Docket Number	49860

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0345
- i. ☐ RCE fee required under 37 CFR 1.17(e) **08/27/2003 NBERHE 00000119 09937313**
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) **01 FC:1801 750.00 OP**
- iii. ☒ Other ANY DEFICIENCY IN FEES
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Herbert B. Keil	Registration No. (Attorney/Agent)	18,967
Signature	<i>Herbert B. Keil</i>	Date	August 18, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Herbert B. Keil	Date	August 18, 2003
Signature	<i>Herbert B. Keil</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

RECEIVED  
AUG 28 2003  
TECH CENTER 1600/2960  
Bet  
9-2-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BERNDL et al.

Serial No. 09/937,313

Filed: September 24, 2001

For: SOLUBILIZING EXCIPIENTS IN POWDER FORM FOR SOLID  
PHARMACEUTICAL PRESENTATIONS

**MAIL STOP RCE**

Art Unit: 1615

Examiner: Young

12/Pre C  
e/n  
8-18-03  
TECH CENTER 1600/2900  
AUG 28 2003  
RECEIVED  
Bet  
9-2-03

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231, on:

August 18, 2003

Date of Deposit Herbert B. Keil

Person Making Deposit

Signature

August 18, 2003

Date of Signature

Honorable Comm'r. of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Sir:

Applicants submit this present amendment with a Request for Continued  
Examination. The present amendment is the submission required under 37 CFR 1.114.